

## Message Text

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51

ACTION L-02

INFO OCT-01 EUR-12 ISO-00 CPR-01 SS-15 SP-02 A-01 PER-01

SCA-01 /036 W

----- 081645

R 181614Z FEB 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 8067

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E.O. 11652: N/A

TAGS: PFOR, GW, AFSP

SUBJECT: PRIVILEGES AND IMMUNITIES OF ASSIGNED EMBASSY  
STAFF MEMBER

REF: PFUND/MALMBORG LETTER OF DEC. 10, 1974

1. IN PARA 3 OF REF LETTER EMBASSY SUMMARIZED ACTION OF FRG FONOFF PROTOCOL SECTION IN REFUSING TO RENEW EXPIRED FRG IDENTITY CARD DOCUMENTING STAFF MEMBER ASSIGNED FROM WASHINGTON TO EMBASSY AS PERSON ENTITLED TO CERTAIN PRIVILEGES AND IMMUNITIES. REFUSAL WAS BASED ON CLAIM THAT HER INTERVENING MARRIAGE TO GERMAN NATIONAL EVINced HER INTENT TO BECOME PERMANENT RESIDENT OF FRG WHO, UNDER ARTICLE 38(2) OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS, IS ENTITLED ONLY TO PRIVILEGES AND IMMUNITIES THAT FRG WISHES TO GRANT HER. ISSUANCE OF YELLOW FRG IDENTITY DOCUMENT IN LIEU OF BLUE DOCUMENT WOULD HAVE EFFECT OF DEPRIVING HER, INTER ALIA, OF CUSTOMS, I.E. EMBASSY PX AND COMMISSARY PRIVILEGES, LEAVING HER ONLY WITH EXEMPTION FROM TAXATION OF HER EMBASSY INCOME AND FROM NEED TO REGISTER WITH ALIEN REGISTRATION AUTHORITIES RATHER THAN FONOFF.

2. IN CONNECTION WITH ABOVE CASE, EMBASSY HAS INFORMED FONOFF THAT IT WAS SEEKING INSTRUCTIONS FROM WASHINGTON. IN MEANTIME, A FURTHER SUCH CASE HAS ARISEN.

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3. EMBASSY NEEDS TO BE INFORMED OF DEPARTMENT POSITION  
AND ANY ARGUMENTS IT SHOULD MAKE IN FAVOR OF RE-ISSUANCE  
OF BLUE CARDS TO THESE EMBASSY STAFF MEMBERS, BASED ON  
US INTERPRETATION OF ARTICLE 38(2) OF VIENNA CONVENTION,  
IN LIGHT OF INTENT OF PARTIES IN USING TERM "PERMANENTLY  
RESIDENT IN THE RECEIVING STATE". CAN WE ACCEPT THAT  
MEMBERS OF THE ADMINISTRATIVE AND TECHNICAL STAFF OF A  
MISSION ASSIGNED FROM OUTSIDE THE RECEIVING STATE ARE  
TREATED BY REASON ONLY OF MARRIAGE TO A NATIONAL OF THE  
LATTER AS PERMANENT RESIDENTS OF THE RECEIVING STATE  
ENJOYING ONLY SUCH PRIVILEGES AND IMMUNITIES AS THE  
RECEIVING STATE CHOOSES TO ACCORD?

4. PLEASE ADVISE SOONEST.  
HILLENBRAND

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 18 FEB 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975BONN02720  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
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**Errors:** N/A  
**Film Number:** D750057-1083  
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**Handling Restrictions:** n/a  
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**Office:** ACTION L  
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